

Amendment No. 1 to SB2828

Person, Curtis
Signature of Sponsor

AMEND Senate Bill No. 2828*

House Bill No. 2889

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-301, is amended by designating the current language as subsection (a) and by inserting the following as a new subsection (b) thereto:

(b)

(1) If the court has awarded visitation rights to a non-custodial parent pursuant to subsection (a) and the requirements of this chapter, and such non-custodial parent is unable to fulfill such visitation rights because such parent is temporarily absent from the jurisdiction by reason of active service in the United States armed forces, then the non-custodial parent may substitute the child's grandparents or stepparent to fulfill the non-custodial parent's visitation rights.

(2) In order for the grandparent or stepparent to exercise the visitation rights of the non-custodial parent by substitution, both the non-custodial parent and the grandparent or stepparent shall jointly petition the court for substitute visitation by the grandparent or stepparent to fulfill the non-custodial parent's court ordered visitation rights pursuant to the requirements of this part. If the petition is properly filed by both the non-custodial parent and the grandparent or stepparent in accordance with this section, the court may deny substitute visitation by the grandparents or stepparent only if the court determines that such visitation presents a danger of substantial harm to the child.

(3) If a non-custodial parent exercises the right to substitute visitation pursuant to this section, the total visitation time ordered by the court is not

increased, but must remain the same as if such visitation right was being exercised by the non-custodial parent. The court, in its order granting substitute visitation pursuant to this subsection, shall designate the times when such substitute visitation may occur.

(4) If the non-custodial parent is unable to fulfill parental visitation rights for any reason other than temporary absence from the jurisdiction because of active service in the United States armed forces, the provisions of this section permitting substitute visitation shall not be applicable.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.

Senate Judiciary Committee Amendment # 1 rewrites the bill to provide that a court can award substitute visitation rights to the grandparents or stepparents of a non-custodial parent if such parent is unable to fulfill visitation rights by reason of service in the United States armed forces. Grandparents and the non-custodial parent must jointly petition the court for substitute visitation rights and the total visitation rights would not increased by such a petition.